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In re Application of MOJSILOVIC :
U.S. Application No.: 10/530,138 :
PCT Application No.: PCT/US02/29974 :
Int. Filing Date: 20 September 2002 : DECISION
Priority Date Claimed: (none) :
Attorney Docket No.: YOR920020185US1 :
For: COLOR NAMING, COLOR :
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This is in response to applicant's "Petition for the Revival of an International Application for Patent Designating the U.S. Abandoned Unintentionally Under 37 CFR 1.137(b)" filed 04 April 2005.

BACKGROUND

On 20 September 2002, applicant filed international application PCT/US02/29974. The thirty-month period for paying the basic national fee in the United States expired on 20 March 2005.

International application PCT/US02/29974 became abandoned as to the United States for failure to timely pay the basic national fee.

On 04 April 2005, applicant filed the present petition under 37 CFR 1.137(b).

DISCUSSION

Under 37 CFR 1.137(b), a petition requesting that an application be revived on the grounds of unintentional abandonment must be accompanied by: (1) the required reply unless previously filed, (2) the petition fee as set forth in 37 CFR 1.17(m), (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, and (4) a terminal disclaimer if the application was filed before 08 June 1995.

With regard to item (1), applicant has provided the required reply under 35 U.S.C. 371.

With regard to item (2), applicant has provided the required petition fee.

With regard to item (3), the petition states, "The delay in reply by applicant or patent owner was unintentional." This statement is interpreted as a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. If this is an incorrect interpretation in view of the rules, petitioner is required to provide a statement to that effect.

With regard to item (4), because the international application was filed after 08 June 1995, no terminal disclaimer is required.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.137(b) is GRANTED.

The application has an International Filing Date under 35 U.S.C. 363 of 20 September 2002, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 04 April 2005.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision.



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